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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,243	11/28/2000	Michael G. Porto	13854	5309

7590 12/05/2001

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EXAMINER

LAYNO, BENJAMIN

ART UNIT PAPER NUMBER

3711

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,243

Applicant(s)

PORTO, MICHAEL G.

Examiner

Benjamin H. Layno

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 11-17, 20 and 23 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 9, 10, 18, 19, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 11, 13, 14 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kent.

The patent to Kent discloses a combination craps and roulette game Fig. 6 comprising a casino gaming table 21 having a game surface with indicia for displaying bets, and a rotatable wheel 22 having a plurality of slots 23, each slot corresponding to a face of at least one die 1-6. The wheel has a retaining means for directing a rolled ball such that it comes to rest in one of the plurality of slots, page 2, lines 49-58.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 5, 8, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent as applied to claims 1 and 13 above, and further in view of Carlson.

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The patent to Carlson teaches that it is known to include all the possible combinations of faces of a pair dice 16 on the slots of a roulette wheel Fig. 2, to play craps using the roulette wheel, see page 1, lines 67-74. In view of such teaching, it would have been obvious to replace Kent's single die faces with all the possible combination of faces of a pair of dice. This modification would have provided more permutations of dice combinations therefore increasing payout odds and making Kent's game more exciting to play.

In regard to claims 5, 8 and 17, Kent's even numbered dice faces are colored black, and Kent's odd numbered dice faces are colored red.

5. Claims 4, 12, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Carlson as applied to claims 3 and 15 above, and further in view of Hinterstocker.

The patent to Hinterstocker teaches that it is known in the roulette gaming art to make the game of roulette electronic by providing an electronic representation of a roulette ball, see abstract lines 7-10. In view of such teaching, it would have been obvious to make Kent's roulette game electronic in order for the game to be attractive to video game players.

In regard to claims 4 and 16 Hinterstocker teaches that it is known to provide the numeral "0" on one of the slots of the roulette wheel. Furthermore, it is well known to provide the numeral "0" on a standard roulette wheel. In view of such teachings, it would have been obvious to incorporate the numeral "0" on Kent's roulette wheel in

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order for Kent's roulette game to look like a standard roulette game thereby attracting roulette players.

Allowable Subject Matter

6. Claims 6, 7, 9, 10, 18, 19, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Nadibaidze discloses a roulette game comprising a circular betting field simulating a roulette wheel having all the combination of dice rolls of a pair of dice. The betting field is flat and cannot rotate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

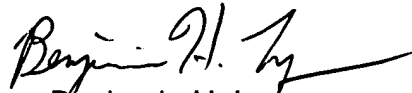
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewel can be reached on 703-308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

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A handwritten signature in black ink, appearing to read "Benjamin H. Layno", with a long horizontal flourish extending to the right.

Benjamin H. Layno
Primary Examiner
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bhl

November 29, 2001